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14 Attorneys for Defendant  
15 Fremont Investment Advisors, Inc.

16  
17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 GARY DAVIS, on behalf of himself  
20 and all others similarly situated,

21 Plaintiff,

22 v.

23 FREMONT INVESTMENT  
24 ADVISORS, INC. et al.,

25 Defendant.

26 Case No. 04-1016-JW

27 **STIPULATION AND [PROPOSED]  
28 ORDER FOR SUBSTITUTION OF  
COUNSEL**



1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that Fremont Mutual Funds, Inc ("Fremont") has a new legal  
3 representative, the firm of O'Melveny & Myers LLP. Fremont consents to this substitution, as  
4 does its predecessor counsel, Dechert LLP.

5 Fremont respectfully requests that the Court approve this stipulation and [proposed]  
6 order of substitution and that the necessary changes be made to the service list and the court  
7 records, and that all future communications regarding this case be directed to: Seth Aronson at  
8 O'Melveny & Myers LLP, 400 South Hope St., Los Angeles, CA 90071. Telephone number  
9 (213) 430-6000. Facsimile number (213) 430-6407.

10 Dated: February 1, 2005

11 O'MELVENY & MYERS LLP

12  
13 By: \_\_\_\_\_ /s/  
14 Aaron M. Rofkahr  
15 Attorneys for Defendant  
16 Fremont Investment Advisors, Inc.

17 Dated: January 31, 2005

18 FREMONT MUTUAL FUNDS, INC.

19  
20 By: \_\_\_\_\_ /s/  
21 Deborah L. Duncan  
22 Chairman and President  
23 Fremont Mutual Funds, Inc.

24 Dated: January 31, 2005

25 DECHERT LLP

26  
27 By: \_\_\_\_\_ /s/  
28 Gidon M. Caine (S.B. #188110

1  
2 I attest that concurrence in the filing of this document has been obtained by  
3 Deborah L. Duncan and Robert Roberston.

4 Dated: February 1, 2005  
5

6 By: /s/  
7 Aaron M. Rofkahr  
8

9 **IT IS SO ORDERED:**  
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11 Dated: February 2, 2005  
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13 By: /s/ James Ware  
14 JAMES WARE, U.S.D.J.  
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